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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,279	10/31/2003	Kenneth Romero	RO-03-01	1634
27408	7590	09/23/2005	EXAMINER	
DAVID L. TINGEY LAW OFFICE OF DAVID L. TINGEY 15 SOUTH GRADY WAY SUITE 336 RENTON, WA 98055			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/698,279	ROMERO, KENNETH	
	Examiner	Art Unit	
	Luan K. Bui	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 is/are allowed.
- 6) ☒ Claim(s) 1-29 and 32 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/31/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 29, last line, the phrase "boxes mutually attached boxes" is incomplete and indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Dixon et al. (5,013,278; hereinafter Dixon'278). Dixon'278 discloses a display case (10, 11) comprising a box (17) accessible through a transparent door (38) that covers a box front and a first plurality of laterally spaced apart fingers (28, one on each side) near a box bottom and extending a short distance toward the door from a back (22, 19) opposite the door. The fingers are adapted to removably receive a base on which a display item (15) is mounted and releasably securing the base between one or more fingers (Figure 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. (5,013,278; hereinafter Dixon'278). Dixon'278 discloses the display case as above having all the limitations of the claims except for a second plurality of laterally spaced apart fingers near a box top. It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of the first plurality of laterally spaced apart fingers of Dixon'278 to modify the case so the case includes a second plurality of laterally spaced apart fingers near a box top having the same function as the first plurality of spaced apart fingers for holding additional display items near the box top alternate with the display items near the box bottom to reduce the cost of manufacture.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. (5,013,278; hereinafter Dixon'278) in view of Brockway (3,504,787). Dixon'278 discloses the display case as above having all the limitations of the claims except for a wall-mounting fastener on the case back. Brockway shows a case (60) having a back wall (18) and a wall-mounting fastener (50, 56, 58) secured to the back wall. It would have been obvious to one having ordinary skill in the art in view of Brockway to modify the case of Dixon'278 so the case

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back includes a wall mounting fastener for better securing the case to a support surface. As to claim 6, Brockway shows the case includes a carrying handle (50).

8. Claims 7-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dixon et al. (5,013,278; hereinafter Dixon'278) in view of either Delzompo et al. (5,971,826; hereinafter Delzompo'826) or Deeter (5,992,665). Dixon'278 discloses the display case as above having all the limitations of the claims except for a first such case being stacked on top of a second such case with fasteners releasably interconnecting the two cases.

Delzompo'826 teaches a plurality of display cases (11, 52-57...) comprising a first display case (11, 54) and a second display case (56) stacked on top of the second display case with fasteners (43, 45) releasably interconnecting the two cases. Deeter shows a plurality of display cases (20) comprising a first display case (20b) and a second display case (20a) stacked on top of the second display case with fasteners (56, 58, 62, 64) releasably interconnecting the two cases.

It would have been obvious to one having ordinary skill in the art in view of Delzompo'826 or Deeter to modify the case of Dixon'278 so it comprises a first of such case stacked on top of a second such case with fasteners releasably interconnecting the two cases together for better securing the two or more cases and reduce space during display of storage.

As to claims 10 and 11, the embodiment of Figure 6 of Delzompo'826 shows the respective doors or backs being opposing when the two cases are fastened together.

9. Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claims 2-3 above, and further in view of either Delzompo et al.

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(5,971,826; hereinafter Delzompo'826) or Deeter (5,992,665). Dixon'278 further fails disclose the display case as above having all the limitations of the claims except for a first box being stackable on top of a second box with fasteners releasably interconnecting the two boxes, a first such box being attachable alongside a second such case with fasteners releasably interconnecting the cases alongside and a single carrying handle being adjusted to span between boxes mutually attached boxes.

Delzompo'826 teaches a plurality of display cases (11, 52-57...) comprising a first display case (11, 54) and a second display case (56) stacked on top of the second display case with fasteners (43, 45) releasably interconnecting the two cases and the cases are attachable alongside with fasteners (31, 91, 95, see Figure 2). Deeter shows a plurality of display cases (20) comprising a first display case (20b) and a second display case (20a) stacked on top of the second display case with fasteners (56, 58, 62, 64) releasably interconnecting the two cases. Deeter further discloses the cases attachable alongside with fasteners (66, 68, 70, 72) and a single carrying handle (74, 76, 78).

It would have been obvious to one having ordinary skill in the art in view of either Delzompo'826 or Deeter to modify the case of Dixon'278 as modified so the case comprises a first box is stackable on top of a second box with fasteners releasably interconnecting the two boxes, a first such box is attachable alongside a second such case with fasteners releasably interconnecting the cases alongside and a single carrying handle is adjusted to span between mutually attached boxes to reduce space during storage and to facilitate carrying the case respectively.

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Allowable Subject Matter

10. Claim 33 is allowed.

11. Claims 30 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.

lkb
September 22, 2005



Luan K. Bui
Primary Examiner